

SENATE BILL 4116

By Southerland

AN ACT to amend Tennessee Code Annotated, Title 69,
Chapter 3, relative to water quality control.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 69, Chapter 3, is amended by adding the following new, appropriately designated section:

Section ____.

(a) The commissioner shall report annually by January 31 of each calendar year to the senate environment, conservation and tourism committee and the house conservation and environment committee the following information in summary form:

(1) The number of enforcement orders, including Directors' Orders and Commissioner's Orders, issued pursuant to § 69-3-109(1-2) during the prior calendar year, listed by the county in which the violation occurred;

(2) The number of consent orders and final orders issued pursuant to § 69-3-109(3) during the prior calendar year, including the average damages obtained by the department, by type;

(3) The number of contested cases initiated before the board, or an administrative law judge designated by the board, during the prior calendar year, pursuant to § 69-3-110;

(4) The number of final decisions by the board, issued pursuant to § 69-3-110(d), including an average of damages obtained by the department, by type, during the prior calendar year; and

(5) The number of complaints filed in any chancery court of this state appealing a decision by the board, pursuant to § 69-3-111, and any judicial

proceedings initiated by the commissioner and the attorney general, pursuant to § 69-3-117, during the prior calendar year.

(b) The commissioner shall report annually by January 31 of each calendar year to the senate environment, conservation and tourism committee and the house conservation and environment committee the following information in summary form:

(1) The number of permit applications made during the prior calendar year, listed by county in which the activity sought to be permitted was to occur;

(2) The length of time and average length of time, in days, between date of permit application and the date permit applications are deemed complete by the department during the prior calendar year; and

(3) The length of time and average length of time, in days, between date of permit application and the date the department grants or denies the permit application during the prior calendar year.

(c) For purposes of this section, “permit application” and “permit applications” shall be defined to include applications for permits issued pursuant to § 69-3-108, or § 69-3-130.

(d) The division shall publish through its Internet home page a form for Aquatic Resource Alterations Permit (“ARAP”) applications made pursuant to § 69-3-108, to permit applicants to file all necessary documents for an ARAP permit with the division in a secure manner electronically.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it. The summary of records required by this act shall begin to be prepared for the January 31 presentation to the committees for review no later than September 1, 2008, the public welfare requiring it.